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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AVALON HOLDINGS CORP., : 18-CV-7291 (VSB) (RWL)
: Plaintiff, : **ORDER**
: - against - :
: GUY GENTILE, et al., :
: Defendants. :
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NEW CONCEPT ENERGY, INC., : 18-CV-8896 (VSB) (RWL)
: Plaintiff, : **ORDER**
: - against - :
: GUY GENTILE, et al., :
: Defendants. :
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ROBERT W. LEHRBURGER, United States Magistrate Judge.

This order concerns the incomplete joint discovery plan filed by the parties on September 14, 2022 at Dkt. 124 in 18-CV-7291 and Dkt. 113 in 18-CV-8896.

1. The parties need to do better in meeting and conferring sufficiently in advance so as to be able to comply with deadlines for joint filings. Waiting until the eve a joint filing is due to specify a request (or, if there is any doubt from the other side, for that side to say so) is not sufficient.

2. The parties must meet and confer about the documents requested by Plaintiffs.

It will not be sufficient merely for Defendant to "respond" to the requests within one week. Rather, Defendant must take the initiative to further meet and confer with Plaintiff about the document requests, and both parties must take the initiative to fully complete their

deliberations and submit a revised joint discovery plan that, with respect to the documents issue, indicates if the parties have come to agreement, and, if not, their respective positions. The revised joint discovery plan shall be filed by **September 21, 2022**.

3. With respect to depositions, the Court presumes that “within 45 days” for Defendants’ Witnesses and “within 60 days” for Additional Witnesses refers to periods of time measured from when the Court enters the discovery order. If the parties have a different understanding, they shall so indicate in the revised joint filing.

SO ORDERED.



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: September 15, 2022
New York, New York